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PTOL-413A (02-09)  
Approved for use through 03/31/2009. OMB 0851-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE**Applicant Initiated Interview Request Form**Application No.: 10/502,423 First Named Applicant: Gero Base  
Examiner: Yeh, Eueng-nan Art Unit: 2624 Status of Application: Non-final OARECEIVED  
CENTRAL FAX CENTER

MAR 26 2009

**Tentative Participants:**(1) Eric Grabski (2) Examiner Yeh  
(3) \_\_\_\_\_ (4) \_\_\_\_\_Proposed Date of Interview: 3/26/2009 Proposed Time: 11 am AM/PM**Type of Interview Requested:**(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video ConferenceExhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: \_\_\_\_\_

**Issues To Be Discussed**

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>35 USC 101</u>	<u>14-23</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>35 USC 103(a)</u>	<u>14</u>	<u>Kim03 + Kim02</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached**Brief Description of Argument to be Presented:**

1. 35 USC 101 – Would like to discuss how to tie the claims to structure in a manner suitable for the Examiner, or whether the claims must be rewritten as software or computer system claims.

2. 35 USC 103(a) – Would like to discuss a possible misunderstanding of Claim 14 by the Examiner (see attached)

An interview was conducted on the above-identified application on \_\_\_\_\_.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

\_\_\_\_\_  
Applicant/Applicant's Representative Signature\_\_\_\_\_  
Examiner/SPE Signature\_\_\_\_\_  
Typed/Printed Name of Applicant or Representative\_\_\_\_\_  
Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

(Continuation of "Brief Description of Argument to be Presented for 10/502,423)

Patentability of claim 14:

A key feature of the invention is covered by the last (=third) limitation of claim 14 "limiting the set of accessible reference images in such a way that referencing takes places from image areas that were not subject to the first intra-coding mode in a temporal subsequent image". It seems that the Examiner is misunderstanding this limitation, because the Examiner argues that "KIM03 does not explicitly disclose a coding system to perform intra/inter block selection", see OA, page 6, last paragraph. However the present invention does not cope with an intra/inter block selection but with a limitation of reference images for inter-coding as described by the third limitation.

Short explanation of the third limitation:

When coding a macro block in frame  $t = 0$  then e.g. five timely previously coded frames [ $t = -5, \dots, t = -1$ ] can be used as reference frame. Hence these five timely previously coded frames form the set of accessible reference images. In such a case a respective image area in each timely previously coded frame is selected that result in optimal tradeoff between distortion and bit rate. Next the reference images are removed from the set whose respective image area that is used for prediction was updated in a timely subsequent image by the first intra-coding mode. Hence the reference images in the set are reduced, whereby one of the reference images will be used for inter coding of the macroblock.

Example: the selected image area for prediction in frame  $t = -2$  was updated by the first intra coding mode in frame  $t = -1$ . Hence this selected image can shall not be used for prediction and the respective frame / reference frame  $t = -2$  will be deleted from the set. In a next step the reference frames  $t = -5, -4, -3$  and  $-1$  are available for prediction only. May be the selected image area of frame  $t = -3$  gives the best match and will be used for inter coding of the image area of frame  $t = 0$ . Conclusion: This limitation does not perform intra/inter block selection at all.

KIM03 discloses that video coding standards, e.g. MPEG-4, support different coding modes, such as intra coding, inter or predictive coding and bi-directional coding. KIM03 discusses the intra/inter block selection that can depend on different options, e.g. on the MAD and RMS calculation.

In an response to an earlier Office Action (March 10, 2008), we argued that KOM03 does not discuss the usage of multiple reference frames for inter-coding. The Examiner responded that there is a specified negotiable coding option called "Reference Picture Selection Mode" that permits a modified inter-predication called NEWPRED in the art; (June 27, 2008 Office Action). It is true in the art multiple reference inter-coding is known, however the specific teaching of the third limitation is not known so far.

KIM02 also describes a intra/inter block selection depended on whether "the mentioned number of bits is larger than the threshold value which has been decided based on the number of bits of the preceding frame", see KIM02 [0029]. The Examiner confirms this on page 7 of the Office Action.

Therefore, based on the above, our position is that Examiner is misunderstanding the final limitation of Claim 14, and when properly understood, Claim 14 is allowable over the cited references.